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Return or restitution of cultural property to the countries of origin

Note verbale dated 22 July 1999 from the Permanent Mission of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General

The Permanent Mission of the Democratic People's Republic of Korea to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to enclose herewith a communiqué issued by the Mission on 22 July 1999 (see annex).

The Permanent Mission of the Democratic People's Republic of Korea to the United Nations requests the Secretary-General to circulate the present note verbale and its annex as a document of the General Assembly, under item 24 of the provisional agenda.

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Annex

Communiqué issued by the Permanent Mission of the Democratic People's Republic of Korea to the United Nations on 22 July 1999

The Permanent Mission of the Democratic People's Republic of Korea to the United Nations issues this communiqué in order to draw the attention of the States Members of the United Nations to the question of the return and restitution of the Korean cultural property plundered and destroyed by Japan in the past.

Cultural property of each country and nation is a national cultural heritage formed through a long history and it is a wealth of great value, reflecting a nation's resourcefulness, talent and cultural traditions.

Throughout their time-honoured history of 5,000 years, the Korean people have created and developed a resplendent national culture, holding dear cultural property created by their ancestors as symbols of national honour and pride.

Japan, from the first days of its aggression against Korea, especially during the nearly half a century-long period of its military occupation of and colonial rule over Korea from the early twentieth century, pillaged and destroyed a considerable amount of valuable cultural property, which the Korean people had handed down with utmost care generation after generation.

Japan unearthed old tombs, including those of ancient Korean Kings, and looted relics buried inside them.

The exhumation of the "King Kongmin's Tomb" by Japan in 1905 is a typical example. This tomb, located in Haeson-ri, Kaepung County of Kaesong City, was one of the exceptional tombs of the Kings of Koryo dynasty, providing valuable information for researching the stone construction and grave-making techniques in that era. There were numerous priceless relics inside the tomb.

The Japanese army and policemen blockaded surroundings of the tomb, dynamited its ceiling and took away 10 cartloads of relics for shipment to Japan. Using the same method, Japan severely destroyed about 2,000 ancient tombs of the Koryo era, including Kings' tombs, exclusively in the areas of Kaesong and Haeju, and plundered all relics from them during the period from 1904 to 1906.

Such open grave robbery became more naked during the period of Japanese colonial rule over Korea. Consequently, there no tomb was left with any relics, even among those old tombs throughout the countryside, which remained hardly recognizable at the end of the Japanese rule.

Furthermore, Japan pillaged at random various sorts of cultural property, such as world famous Koryo ceramics, antique documents, paintings and calligraphic works, Buddhist idols, pagodas and folk craft articles, all of which carried significant value from the academic and cultural perspectives.

Ito Hirobumi, the ringleader in fabricating the aggressive "Ulsa Five-Point Treaty" and the first "Resident-General of Korea" (1906–1909), pillaged a quantity of cultural property, including thousands of Koryo ceramics and large volumes of old books and documents, and sent them to Japan as "gifts" and so forth. Now on display at the Ueno Museum in Tokyo are hundreds of items of Korean cultural property, which he took to Japan at that time.

Terautsi Masadake, the first "Governor-General of Korea" (1910–1916), pulled down a building in the Kyongbok Palace for its rebuilding at his native place (Yamakutsi, Japan). Then he went as far as to hang out a signboard, "Korean House", there, in which he displayed two thousand relics including two stone-made Buddhist idols recognized as masterpieces not only in our country but also in the East, a small marble-made pagoda and ceramics and personal ornaments exhumed from old tombs of Koryo era around Kaesong. Moreover, in March 1914, he presented 1,800 volumes of "Lijosillok (a true record of the Li Dynasty)", the most precious national treasure of our country, to Professor Siradori of Tokyo Imperial University under the guise of a "transfer" from the "Government-General", to take them to Tokyo. They were burnt at the time of the Kanto Earthquake in 1923.

Okura Takenoske, who had been President of Taegu Electricity Corporation in Korea since 1911, took several thousand items of Korean cultural property to Japan over 30-odd years and organized the "Association for the Preservation of the Okura Collection" in 1958. This Association, dissolved in 1981, donated the 1,110 items of the "Okura Collection" to the National Museum in Tokyo, of which 1,030 items are Korean cultural property.

Still in store and on display at the National Museum in Tokyo are a large number of Korean cultural properties, including those relics unearthed in 1925 by the Tokyo Imperial University of Japan from such various old tombs as tomb No. 205 in Sokam-ri, Rakrang District of Pyongyang City (then Taedonggang-myon, Taedong County of South Phyongan Province).

Likewise, all the Japanese from leaders of the colonial rule to individuals, including petty officials, teachers, scholars and curio dealers under the patronage of government and military authority, ran amuck pillaging cultural property throughout Korea, as a result of which Korean cultural property items in Japan outnumber those in Korea, the country of their origin. This is a tragedy, indeed.

Japan also savagely destroyed cultural property such as monuments and buildings, which symbolize the national tradition of the Korean people and inspire their national consciousness.

In the early days of its forced occupation of Korea, Japan burned and destroyed numerous Buddhist temples in all areas of central and northern Korea, including the Sangwon Temple and the Ryongmun Temple in Mount Ryongmun in Kyonggi Province, alleging that those mountain temples were used as hiding-places of the Righteous Volunteers, who had risen up in their struggle to gain the independence of Korea.

In October 1910, the Japanese "Governor-General of Korea" mobilized military policemen and policemen to ransack bookstores, schools, archives and even private houses throughout the country, during which they forcibly seized and burned more than 200,000 books of 51 kinds, including valuable historical and geographical books, such as "Patriotism", authored by Li Chae Byong, and "General Uljimundok", by Sin Chae Ho.

To make matters worse, Japan indiscriminately destroyed castles, holy places and monuments such as the Pyongyang Walls, the Kaesong Castle and the Miracle Monument of the Monk Samyong at the Konbong Temple in Kosong County of Kangwon Province, which were imbued with our people's patriotic soul of national defence and signified the exploits of brilliant patriotic commanders.

Needless to say, the above-mentioned facts are only fragmentary, showing the plunder and destruction of cultural property committed by Japan in our country.

Japan's acts of pillaging and destroying Korean cultural property, which seriously hindered the cultural development of the Korean nation, constitute the crime of violating international laws on preservation and protection of cultural heritage.

At the same time, Japan's evasive behaviour concerning return of and restitution for the pillaged and destroyed cultural property is also a challenge to the demands of the international community and the relevant resolutions of the United Nations.

The question of protecting and preserving national cultural property has long been discussed as one of crucial issues at the international level, and several international treaties and conventions have been concluded in this field.

The United Nations General Assembly and several international conferences have also adopted resolutions and recommendations calling for strict preservation of cultural property of humankind and the return or restitution of illicitly appropriated cultural property to the countries of origin.

The adoption, in 1907, of The Hague Convention concerning Laws and Customs of War on Land is one of those examples. The Hague Convention stipulated the principles concerning the protection of cultural property in wartime. In particular, it provided that any country should prohibit the intentional seizure, destruction and degradation of historical monuments and objects of art and sciences in occupied territories.

The Convention concerning the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted in 1970 by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its 16th session, provided, in article 11, that the export and transfer of ownership of cultural property under compulsion arising directly or indirectly from the occupation of a country by a foreign power shall be regarded as illicit.

In this regard, the United Nations General Assembly, for nearly 30 years from its thirty-first session to fifty-second session, considered the issue of return or restitution of cultural property to the countries of origin as an important item on its agenda and adopted several resolutions urging all Member States to return illicitly appropriated cultural property of other nations to the countries of origin.

Japan should duly recognize the State responsibility and apologize to the Korean people for the pillaging and destruction of the Korean cultural property.

Further, it should return all cultural property pillaged from our country as early as possible and should compensate for its destruction, pursuant to United Nations resolutions on the return or restitution of cultural property to the countries of origin.

Japan's return and restitution of cultural property to the Democratic People's Republic of Korea is not an issue relating simply to the bilateral relations between the two countries, Korea and Japan. We also believe that this confirms the objectives of the United Nations to enhance international cooperation, preserve and develop global cultural values, and we urge the United Nations to pay due attention to the liquidation of Japan's past, including the return and restitution of cultural property.